

**Notice of Allowability**

Application No.

10/786,074

Examiner

Michael Faragalla

Applicant(s)

NAGAO ET AL.

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 11/09/2007.
2. ☒ The allowed claim(s) is/are 5,6,11 and 13-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 5,6,11 and 13-16 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
3. The best prior art of record Fitzgerald et al (Patent number: 6,886,040) in view of Shoemake et al (Patent number: 2002/0122413) do not show all claimed features which are : a wireless LAN apparatus comprising: as a transmitting-side configuration thereof, a packet length controlling unit, the packet length controlling unit controlling a packet length of transmit data; a packet synthesizing unit, the packet synthesizing unit synthesizing the number of the transmit data corresponding to the packet length controlled by the packet length controlling unit into a packet transmit data and outputting the transmit packet data; a frame synthesizing unit, the frame synthesizing unit appending the packet- length information to a header information of the transmit packet data synthesized by the packet synthesizing unit and outputting the transmit packet data

as a transmit frame; and a wireless transmit unit, the wireless transmit unit transmitting wirelessly the transmit frame output by the frame synthesizing unit, wherein the wireless LAN apparatus further comprises: as a receiving-side configuration thereof, a wireless receive unit, the wireless receive unit receiving the transmit frame transmitted wirelessly by another wireless LAN apparatus configured likewise; and an error detecting unit, the error detecting unit judging whether or not the received transmit frame is normally received, wherein as the receiving-side configuration of the apparatus, the wireless transmit unit wirelessly transmits a receive data indicating the judgment result with respect to the wireless receive unit to the another wireless LAN apparatus, and the wireless LAN apparatus further comprises, as the transmitting-side configuration thereof, a retransmit controlling unit, the retransmit controlling unit requesting the wireless transmit unit to retransmit the same transmit frame when it is judged that an transmission error occurred from the receive data, wherein as the transmitting-side configuration of the apparatus, the packet length controlling unit further comprises: a retransmit counting device, the retransmit counting device counting the number of the requests for retransmission from the retransmit controlling unit; a retransmit-count upper limit register, the retransmit-count upper limit register setting a count upper-limit value of the retransmit counting device; and a retransmit-packet length controlling device maintaining a value of the packet-length information when the number of the retransmission requests counted by the retransmit counting device is smaller than the count upper-limit value set by the retransmit-count upper limit register and decreasing the value of the packet-length information and when the number of the retransmission

requests counted by the retransmit counting device agrees with the count upper-limit value set by the retransmit-count upper limit register.

4. For example, the combination of references do not show a retransmit-count upper limit register, the retransmit-count upper limit register setting a count upper-limit value of the retransmit counting device; and a retransmit-packet length controlling device maintaining a value of the packet-length information when the number of the retransmission requests counted by the retransmit counting device is smaller than the count upper-limit value set by the retransmit-count upper limit register and decreasing the value of the packet-length information and when the number of the retransmission requests counted by the retransmit counting device agrees with the count upper-limit value set by the retransmit-count upper limit register. Further, the combination of references does not show an apparatus that has all the elements in one apparatus, for example (a packet length controlling unit; a packet synthesizing unit; a frame synthesizing unit a RSSI judging unit; a packet-length information creating unit).

5. Therefore, Claims 5, 6, 11 13-16 are considered novel and non-obvious and consequently are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Faragalla whose telephone number is (571) 270-1107. The examiner can normally be reached on Mon-Fri 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Faragalla

11/22/2007

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER